

IN CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
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UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 MARTIN GOTTESFELD, )  
 Defendant. )

Nos. 16-cr-10305-NMG  
23-cv-12267-NMG

**SUPERSEDING MOTION FOR LEAVE TO AMEND FURTHER**

MARTIN GOTTESFELD, Defendant, *pro se*, moves for leave to file a Second Amended Motion to Vacate or Set Aside Sentence (§ 2255) on or before April 5, 2024. In support of this motion, Defendant avers as follows.

1. Defendant has worked diligently since the original motion and made substantial progress toward its final form. The current version represents Petitioner's hard work toward fully briefing his claims, but substantial work remains to inform the Court fully of the bases of those claims. See Amended Motion to Vacate or Set Aside Sentence (§ 2255), E.C.F. no. 472 (filed Feb. 1, 2024; entered Feb. 6, 2024). It was filed pursuant to 28 U.S.C. § 2242 and Fed. R. Civ. P. 15(a)(1).

2. Defendant moved for leave to file a Second Amended Motion on or before March 1, 2024. See Motion for Leave to Amend Further (Feb. 1, 2024), E.C.F. no. 471.

3. The Court is yet to dispose of that motion. See Docket Report.

4. Defendant has experienced a heavy press of personal business, including coordinating a ceremony for his family, located throughout the United States, to come to the district to spread his mother's ashes. This has impeded his ability to complete his amendment sooner.

5. In any event, the period since the First Amended Motion is 29 days and Defendant now seeks an additional 36 days, totaling 65 days.

6. The government sought and received two extensions totaling 102 days in which to file its initial opposition, which is 18 pages.

7. Further amendment is permissible under 28 U.S.C. § 2242 and Fed. R. Civ. P. 15(a)(2).

8. Defendant has only a single opportunity for federal habeas relief.

9. If granted leave to amend further, Defendant plans to buttress his ineffective assistance of counsel claim. Defendant avers that he can further substantially improve the claim's written form.

10. Allowing Defendant to amend now may prevent a future motion to amend should the government respond to Defendant's first Amended Motion.

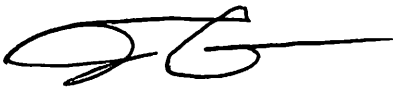
11. Defendant also seeks this time to obtain counsel. He needs time to solicit counsel, for solicited counsel to review the lengthy record of the underlying criminal case and to negotiate representation.

12. The interests of justice, as contemplated by 28 U.S.C. § 2242 and Fed. R. Civ. P. 15(a)(2), would thus be well served by

granting Defendant leave to amend further, to ensure him a fair opportunity at relief as an unrepresented litigant or allow him to find counsel, prevent unnecessary burden on the parties and provide judicial economy.

If the Court has any questions or concerns, Defendant stands ready to address them.

Respectfully submitted,



by: /s/ Martin Gottesfeld, pro se,  
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**CERTIFICATE OF SERVICE**

I, Martin Gottesfeld, certify that on this date I hand delivered a copy of the foregoing filing(s) to the United States attorney's office at Moakley U.S. courthouse,



by: /s/ Martin Gottesfeld, pro se,

Friday, March 1, 2024.